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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,470	04/22/2005	Maarten Peter Bodlaender	NL 021061	1608
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EXAMINER				
PARK, JEONG S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/532,470

Applicant(s)

BODLAENDER, MAARTEN PETER

Examiner

Jeong S. Park

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-040)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/1/2010 has been entered.
2. This communication is in response to Application No. 10/532470 filed on 4/22/2005. The amendment presented on 10/1/2010, which amends claims 3 and 14, cancels claim 16, and adds new claims 20 and 21, is hereby acknowledged. Claims 1-15 and 17-21 have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "said first item" in line 12. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. The amendment presented on 10/1/2010 amending claim 14 obviates the outstanding 35 USC 101 rejections, and they are hereby withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-15, 17-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durden et al. (hereinafter Durden)(U.S. Pub. No. 2004/0261099) in view of Matz (U.S. Pub. No. 2004/0261096), and further in view of Sin (U.S. Pub. No. 2004/0114052).

Regarding claims 1 and 13-15, Durden teaches as follows:

Methods for enabling viewers to control and manage the presentation of programs based on specified types of rating categories and content attributes that the viewer desires not to be presented (see, e.g., abstract);

an apparatus (presentation control system 26 in figure 1) for outputting media content items (see, e.g., paragraph [0043]), the apparatus comprising:

an output device arranged to output a first media content item to a user (the

program content is displayed on devices such as television 28 in figure 1, see, e.g., paragraph [0042]);

a timer arranged to determine a duration of said first media content item (each program is divided into multiple consecutive data frames 42 in figure 2, see, e.g., paragraph [0044]. Therefore all frames n to m indicate a duration of the program);

a selector arranged for receiving a command to replace said first media content item at a particular time while outputting said first media content item (at the second timestamp offset, the presentation control system switch to an alternative audio track indicated by the user's parental control settings, see, e.g., paragraph [0076] and table III);

a time-estimating device arranged to estimate upon receipt of said command, a remaining time necessary for outputting a remaining part of said first media content item, the remaining time being measured from substantially said particular time to an end of the duration of said first media content item (timestamp associates program content and program control data with a particular time interval within a program, see, e.g., paragraph [0060]. Therefore, it can estimate remaining time, see, e.g., figure 3);

any blocking and replacement that resulted from the previous timestamp can be reset (see, e.g., paragraph [0077] and table 3). Therefore the duration of any alternative or replacement is equal to the undesired number of frames; and

the program control data contains information about other channels or streams or other locations where replacement program data are present.

Therefore, Durden does not teach of searching for the replacement media content item.

Matz teaches as follows:

The user may be automatically or manually provided a list of content items to choose from for substitution (see, e.g., paragraph [0163]); and

the preferred substitute content is selected to correspond with the time duration (equivalent to applicant's remaining time) of the content that is blocked (see, e.g., paragraph [0165]).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Durden with Matz to include providing substitute content from a local content storage or a server as taught by Matz in order to provide the substitute content based on user preference.

Durden in view of Matz does not explicitly teach of estimating a remaining time for a remaining part of the first media content item.

Sin teaches as follows:

The remaining time of the broadcast program is determined by taking a difference between a current time and an end time of the broadcast program attained from the additional information (see, e.g., paragraph [0027]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Durden in view of Matz with Sin to include information of current time and end time of the broadcast program as taught by Sin in order to determine the remaining time of the broadcast program.

Regarding claim 2, Durden does not teach of searching the second media content item.

Matz teaches of the deficiency as presented above in claim 1.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Durden in view of Sin with Matz to include subtracting searching time from the remaining time in order to correctly estimate the actual length of substitute content to search.

Regarding claim 3, Durden teaches as follows:

Said output device is arranged to replace the remaining part of said first media content item with said at least one second media content item (at the second timestamp offset, the presentation control system **switch to an alternative audio track** indicated by the user's parental control settings, see, e.g., paragraph [0076] and table III).

Regarding claim 5, Durden teaches as follows:

A database (program data server 24 in figure 1) for maintaining durations of the media content items (program data server provides multiple types of programming and related data, see, e.g., paragraph [0042]), wherein said time estimating device is arranged to determine a duration of said first media content item by identifying said first media content item in the database (each program is divided into multiple consecutive data frames 42 in figure 2, see, e.g., paragraph [0044]). Therefore it can estimate the duration of the program).

Regarding claim 6, Durden teaches as follows:

A receiver is arranged to receive broadcast media content items (data/content providers (14 in figure 1) which may provide traditional broadcast or cable television programming, see, e.g., paragraph [0041]); and

a monitoring device arranged to identify a particular broadcast media content item and to store in said database a duration of said particular broadcast media content item upon completion of receiving said particular broadcast media content item (timestamped delivery delivers all data for an entire program, see, e.g., paragraph [0050]).

Regarding claim 7, Matz teaches as follows:

Said search device is arranged to search for said at least one second media content item in the database (the load operation loads substitute content from the server, see, e.g., paragraph [0157] or from local content storage, see, e.g., paragraph [0159]).

Therefore it is rejected for similar reason as presented above in claim 1.

Regarding claim 8, Matz teaches as follows:

Said search device is arranged to establish for the first media content item being outputted a substitution list having at least one element indicating the at least one second media content item to be used for replacing said first media content item at the particular time of outputting said first media content item (the user may be automatically or manually provided a list of content items to choose from for substitution, see, e.g., paragraph [0163]).

Therefore it is rejected for similar reason as presented above in claim 1.

Regarding claim 9, Matz teaches as follows:

Said search device is further arranged to select one of the second media content items having the duration which is substantially equal to said remaining time, based on user preferences of the user (the preferred substitute content is selected to correspond with the time duration (equivalent to applicant's remaining time) of the content that is blocked, see, e.g., paragraph [0165]).

Therefore it is rejected for similar reason as presented above in claim 1.

Regarding claim 10, Durden teaches as follows:

Said search device is further arranged to indicate a dislike of the user of said first media content item in the user preferences (view presentation profile, see, e.g., paragraph [0086] and figure 6).

Regarding claims 11 and 12, Durden teaches as follows:

The program or programming (equivalent to applicant's media content) is any electronic presentation of information such as text, audio, video, graphics, or any other form of multimedia (see, e.g., paragraph [0036]); and

data/content providers (14 in figure 1) which may provide traditional broadcast or cable television programming (see, e.g., paragraph [0041]).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Durden in view of Matz and Sin to include radio broadcast programs in order to efficiently apply parental control for radio broadcasting programs.

Regarding claim 16, Durden teaches as follows:

The program or programming (equivalent to applicant's media content) is any electronic presentation of information such as text, audio, video, graphics, or any other form of multimedia (see, e.g., paragraph [0036]); and

data/content providers (14 in figure 1) which may provide traditional broadcast or cable television programming (see, e.g., paragraph [0041]).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Durden in view of Matz and Sin to include a song as media content.

Regarding claims 17 and 18, Durden teaches as follows:

In response to the command, the output device is configured to interrupt outputting the first media content item upon expiration of a search time or finding the at least one second media content item (presentation control system switches to an alternative track if the rating s and content attributes exceed those indicated by the user's parental control settings, see, e.g., paragraph [0076]).

Durden does not teach of searching for the replacement media content item.

Matz teaches as follows:

The user may be automatically or manually provided a list of content items to choose from for substitution (see, e.g., paragraph [0163]); and

the preferred substitute content is selected to correspond with the time duration (equivalent to applicant's remaining time) of the content that is blocked (see, e.g., paragraph [0165]).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Durden in view of Sin with Matz to include providing substitute

content from a local content storage or a server as taught by Matz in order to provide the substitute content based on user preference.

Regarding claim 19, Matz teaches as follows:

The substitution list is renewed whenever a new first media content is outputted by the output device (the user may be automatically or manually provided a list of content items to choose from for substitution, see, e.g., paragraph [0163]); and

the preferred substitute content is selected to correspond with the time duration of the content that is blocked (see, e.g., paragraph [0165]).

Therefore it is rejected for similar reason as presented above in claim 1.

Regarding claim 21, Matz teaches as follows:

The search device is configured to search for two or more second items (the user may be automatically or manually provided **a list of content items** to choose from for substitution, see, e.g., paragraph [0163]) having a total duration of substantially equal to the remaining time for replacing the remaining part of the first media item with the two or more second items (the preferred substitute content is selected to **correspond with the time duration of the content** that is blocked, see, e.g., paragraph [0165]).

Therefore, it is rejected for similar reason as presented above in claim 1.

8. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durden et al. (hereinafter Durden)(U.S. Pub. No. 2004/0261099) in view of Matz (U.S. Pub. No. 2004/0261096) and Sin (U.S. Pub. No. 2004/0114052), and further in view of Aoki et al. (hereinafter Aoki)(U.S. Pub. No. 2003/0016253).

Regarding claims 4 and 20, Durden in view of Matz and Aoki does not teach of fading out upon expiration of remaining time.

Aoki teaches as follows:

A pop-up text window and directional tips may be removed gradually after the designated time period has expired such that the pop-up text window and directional tips fade out completely when the designated time period has elapsed (see, e.g., paragraph [0083]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Durden in view of Matz and Sin with Aoki to include the well known fade out function upon expiration of the designated time period as taught by Aoki in order to smoothly display two different media content consecutively.

Response to Arguments

9. Applicant's arguments with respect to claims 1-15 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is (571)270-1597. The examiner can normally be reached on Monday through Friday 9:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph E. Avellino can be reached on 571-272-3905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeong S Park/
Examiner, Art Unit 2454

December 13, 2010